

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 589 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

VITHALBHAI D JADAV

Versus

STATE OF GUJARAT

Appearance:

MR JAYANT P BHATT for Petitioner (Absent)
MR SP HASURKAR for Respondent No. 1 (Absent)
FRESH NOTICE REQD(N) for Respondent No. 2 (Absent)

CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 08/09/2000

ORAL JUDGEMENT

In this petition, the petitioner has challenged an order dated 17.10.1987 (Annexure 'A') terminating his services. It transpires from the record that on adhoc basis the petitioner was appointed as a Peon in the

office of the Inquiry Commission, Gandhinagar. From the order of appointment placed on record, it transpires that by letter dated 12.10.1984 the petitioner was appointed on adhoc temporary basis for a period from 11.9.1984 to 28.2.1985. Thereafter, by another letter of appointment, the petitioner was appointed on purely temporary adhoc basis from 1.3.1985 to 28.3.1986. It appears that thereafter on 2.11.1987, his services were terminated.

When the matter is called out, none is present either on behalf of the petitioner or on behalf of the Respondents. However, the Court has taken into consideration the affidavit filed by Nandlal K Dholakia, Deputy Secretary to the Government of Gujarat, Narmada Development Department. The deponent has pointed out in paragraph 4 of the affidavit that the petitioner has no legal or fundamental right to get a government job especially when there is a set procedure for recruitment to the post of Class IV employees. He has further pointed out that for the same period, as a stop-gap arrangement, the petitioner was appointed to work as a Peon at the residence of one of the officers of the respondent No.1 Government.

It is required to be noted that in Government service, persons are required to be appointed after following a set procedure, viz. calling the names from the Employment Exchange or issuing public advertisement. It is clear from the affidavit in reply that on temporary basis, appointment was made, which would give no right to the petitioner. Under the circumstances, I find no merit in the matter, and the petition is dismissed. Rule is discharged. No order as to costs.

csm./ (B.C. PATEL, J.)